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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/784,184                 | 02/24/2004  | Eiji Hasegawa        | 1083.1101           | 1120             |
| 21171                      | 7590        | 02/22/2008           | EXAMINER            |                  |
| STAAS & HALSEY LLP         |             |                      | TRUONG, THANHNGA B  |                  |
| SUITE 700                  |             |                      | ART UNIT            |                  |
| 1201 NEW YORK AVENUE, N.W. |             |                      | PAPER NUMBER        |                  |
| WASHINGTON, DC 20005       |             |                      | 2135                |                  |
|                            |             |                      | MAIL DATE           | DELIVERY MODE    |
|                            |             |                      | 02/22/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,184

**Applicant(s)**

HASEGAWA ET AL.

**Examiner**

Thanhnga B. Truong

**Art Unit**

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the communication filed on November 19, 2007. Claims 1-17 are pending. At this time, claims 1-17 are rejected.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 2-4, 6-8, 10, and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. *Referring to claim 2:*

Claim 2 recites "wherein the secure module is further capable of judging whether or not an execution request signal for a divided program has been received, and returns the received program to the executable state when it is judged that the execution request signal has been received." The claim is clearly a software program and it is non-statutory as not being tangibly embodied in a manner so as to be executable. The secure module is possible for including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. Therefore, claim 2 recites a non-statutory subject matter.

Claim 3 is depended on claim 2, thus it is rejected with the same rationale applied against claim 2 above.

b. *Referring to claims 6-8, 10, and 12:*

i. These claims have limitations that are similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Vos (US 4,849,927).

a. Referring to claim 1:

i. Vos teaches an information processing apparatus comprising:

(1) a first storage unit (see **Figure 3 of Vos**); a processor for executing a program written in the first storage unit (see **element 30 of Figure 3 of Vos**); a second storage unit for storing a plurality of encrypted programs into which a program is divided (see **elements 38, 40 in Figure 3 of Vos**); and a secure module (see **Figure 3; more details in column 2, lines 15-64 of Vos**) capable of performing operations of: receiving the program stored in the second storage unit; returning the received program to an executable state; writing the program, which has been returned to the executable state, in the first storage unit in a sequence for the processor to execute; and deleting the program, which has been executed by the processor, from the first storage unit after execution is completed (**column 2, lines 15-64 of Vos**), wherein the processor transmits (see **element 35 in Figure 3 of Vos**) the program stored in the second storage unit to the secure module (see **Figure 3 of Vos**).

b. Referring to claims 2, 6:

i. Vos further teaches:

(1) wherein the secure module is further capable of judging whether or not an execution request signal for a divided program has been received, and returns the received program to the executable state when it is judged that the execution request signal has been received (**column 5, lines 30-55 of Vos**).

c. Referring to claims 3-4, 7-8, 10, 12, 14, and 16:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

d. Referring to claims 5, 9-17:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Yuasa et al (US 5,878,198) discloses information processing apparatus and method and memory medium storing information processing program (see title).

b. Dykstra et al (US 6,029,149) discloses lender direct credit evaluation and loan processing system (see title).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Art Unit: 2135

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2135

TBT

February 27, 2008